

Joseph Y. Ahmad
ATTORNEY IN CHARGE

Texas Bar No. 00941100
Federal Bar No. 11604

Shawn M. Bates
Texas Bar No. 24027287
Federal Bar No. 30758

Alexander R. Hernandez
Texas Bar No. 24106086

Alexander M. Dvorscak
Texas Bar No. 24120461
Federal Bar No. 3610557

AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI, & MENSING, P.C.

1221 McKinney St. Suite 2500
Houston, Texas 77010

(713) 655-1101 Telephone
(713) 655-0062 Facsimile

jocahmad@azalaw.com

sbates@azalaw.com

ahernandez@azalaw.com

advorscak@azalaw.com

and

Jeff P. Prostok

State Bar No. 16352500

J. Robert Forshey

State Bar No. 07264200

Suzanne K. Rosen

State Bar No. 00798518

FORSHEY & PROSTOK LLP

777 Main St., Suite 1550

Fort Worth, Texas 76102

(817) 877-8855 Telephone

(817) 877-4151 Facsimile

jprostok@forsheyprostok.com

bforshey@forsheyprostok.com

srosen@forsheyprostok.com

COUNSEL FOR ACIS CAPITAL

MANAGEMENT, L.P. and ACIS

CAPITAL MANAGEMENT GP, LLC

John Kane

KANE RUSSELL COLEMAN LOGAN PC

901 Main Street

Suite 5200

Dallas, Texas 75202-3705

Telephone: (214) 777-4200

Telecopy: (214) 777-4299

jkane@krcl.com

COUNSEL FOR GRANT SCOTT

KELLY HART PITRE

Louis M. Phillips (#10505)

One American Place

301 Main Street, Suite 1600

Baton Rouge, LA 70801-1916

Telephone: (225) 381-9643

Facsimile: (225) 336-9763

Email: louis.phillips@kellyhart.com

Amelia L. Hurt (LA #36817, TX #24092553)

400 Poydras Street, Suite 1812

New Orleans, LA 70130

Telephone: (504) 522-1812

Facsimile: (504) 522-1813

Email: amelia.hurt@kellyhart.com

and

KELLY HART & HALLMAN

Hugh G. Connor II

State Bar No. 00787272

hugh.connor@kellyhart.com

Michael D. Anderson

State Bar No. 24031699

michael.anderson@kellyhart.com

Katherine T. Hopkins

Texas Bar No. 24070737

katherine.hopkins@kellyhart.com

201 Main Street, Suite 2500

Fort Worth, Texas 76102

Telephone: (817) 332-2500

COUNSEL FOR CLO HOLDCO LTD

Michael Lang

CRAWFORD, WISHNEW & LANG

PLLC

1700 Pacific Ave., Suite 2390

Dallas, Texas 75201

Mlang@cw1.law

D: (214) 817-4503

COUNSEL FOR JAMES DONDERO

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**ACIS CAPITAL MANAGEMENT, L.P.,
ACIS CAPITAL MANAGEMENT GP,
LLC,**

Debtors.

§
§
§
§
§
§
§
§
§

Case No. 18-30264-SGJ-11

Case No. 18-30265-SGJ-11

**(Jointly Administered Under Case
No. 18-30264-SGJ-11)**

Chapter 11

**ACIS CAPITAL MANAGEMENT, L.P.,
ACIS CAPITAL MANAGEMENT GP,
LLC, Reorganized Debtors,**

§
§
§
§

Adversary No. 20-03060-SGJ

| | |
|---------------------------------------|---|
| Plaintiffs, | § |
| | § |
| vs. | § |
| | § |
| JAMES DONDERO, FRANK | § |
| WATERHOUSE, SCOTT ELLINGTON, | § |
| HUNTER COVITZ, ISAAC LEVENTON, | § |
| JEAN PAUL SEVILLA, THOMAS | § |
| SURGENT, GRANT SCOTT, HEATHER | § |
| BESTWICK, WILLIAM SCOTT, AND | § |
| CLO HOLDCO, LTD., | § |
| | § |
| Defendants. | |

JOINT DISCOVERY PLAN

Plaintiffs Acis Capital Management, L.P. and Acis Capital Management GP, Defendant Grant Scott, Defendant CLO HoldCo, LTD, and Defendant James Dondero file this Joint Discovery Plan pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure and as required by this Court's February 17, 2022 Order. Dkt. # 73. The parties to this conference are the only remaining parties in this Adversary Proceeding.

I. Rule 7026 Conference and Trial

The parties conducted a Rule 7026 conference on February 24, 2022, via phone. Counsel for each party was present. This case is set for docket call on April 10, 2023.

II. Settlement

The parties conferred and considered the possibility of a prompt settlement of this case, after first discussing the nature and basis of their claims and defenses. The parties agreed that early settlement is not likely at this time.

III. Initial Disclosures

The parties' initial disclosures are to be exchanged by March 17, 2022.

IV. Preserving Discoverable Information

At this time, the parties do not foresee any issues related to the preservation of discoverable information.

V. Proposed Discovery Plan

A. Changes to Rule 26(a) Disclosure Requirements

The parties have agreed and the Court has ordered exchange of initial disclosures by March 17, 2022.

Except for the timing of disclosures, above, the parties have further agreed not to alter the form and requirements for disclosures under Federal Rule of Civil Procedure 26(a).

B. Discovery Subjects, Deadlines, and Phases

Plaintiffs will conduct discovery on (a) their live claims against Defendants, (b) Plaintiffs' damages, (c) any matters that relate to Plaintiffs' live claims and damages. Defendants will conduct discovery on Plaintiffs' claims and alleged damages and Defendants' defenses to same. Discovery does not need to be conducted in phases. The deadlines for discovery, both fact and expert, will follow the Court's Order on February 17, 2022.

C. Disclosure, Discovery, and Preservation of Electronically Stored Information

The parties agree that electronically stored information, if any, may be discovered and produced in accordance with the Federal Rules of Civil Procedure. The parties will meet and confer to reach an agreement on a detailed protocol, including the format that such ESI will be produced, as necessary.

D. Privilege Issues

The parties are not currently aware of any issues relating to claims of privilege or protection as trial-preparation material. The parties will submit an agreed protective order as the parties believe the disclosure of confidential information is necessary in this case.

The parties agree that the production of privileged or work-product protected documents, ESI, or other information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. The parties agree that this statement should be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d). The parties further agree that nothing contained in this discovery plan is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness, and/or segregation of privileged and/or protected information before production.

E. Changes to Limitations on Discovery

None at this time.

F. Other Schedules the Court Should Issue

The parties are not currently aware of any other orders that should be entered by this Court under Rules 16(b) or 16(c). To the extent the parties' opinions on this issue change as discovery and the litigation proceeds, the parties will confer and notify the Court.

Additionally, the parties have agreed under Rule 26(c) to enter into a protective order that will be submitted for Court approval.

Respectfully Submitted,

/s/ Joseph Y. Ahmad

Joseph Y. Ahmad

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joeahmad@azalaw.com

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(817) 877-8855 Telephone

(817) 877-4151 Facsimile

jprostok@forsheyprostok.com

bforshey@forsheyprostok.com

srosen@forsheyprostok.com

**COUNSEL FOR ACIS CAPITAL
MANAGEMENT, L.P. and ACIS
CAPITAL MANAGEMENT GP,
LLC**

/s/ John Kane (by permission)

John Kane

**KANE RUSSELL COLEMAN
LOGAN PC**

901 Main Street

Suite 5200

Dallas, Texas 75202-3705

Telephone: (214) 777-4200

Telecopy: (214) 777-4299

jkane@krcl.com

COUNSEL FOR GRANT SCOTT

KELLY HART PITRE

/s/ Louis M. Phillips (by permission)

Louis M. Phillips (#10505)

One American Place

301 Main Street, Suite 1600

Baton Rouge, LA 70801-1916

Telephone: (225) 381-9643

Facsimile: (225) 336-9763

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Crawford, Wishnew & Lang PLLC

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COUNSEL FOR JAMES DONDERO

CERTIFICATE OF SERVICE

I certify that on March 1, 2022, notice of this document will be electronically mailed to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding pursuant to the Electronic Filing Procedures in this District.

/s/ Alex Hernandez

Alex Hernandez